

STATE OF TENNESSEE

Office of the Attorney General



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T.R.A. DOCKET ROOM

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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

May 3, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: Petition for Exemption of Certain Services

Docket 03-00391

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Second Set of Interrogatories to Citizens Communications, Inc in regard to Docket No. 03-00391. Please file same in this docket. Copies are being sent to all parties of record.

Should you have any questions, please contact me at (615) 741-8700. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joe Shirley".

Joe Shirley
Assistant Attorney General

CC: All Parties of Record.

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**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION FOR EXEMPTION OF)	
CERTAIN SERVICES)	DOCKET NO. 03-00391
)	

**CONSUMER ADVOCATE AND PROTECTION DIVISION'S
SECOND SET OF DISCOVERY REQUESTS TO
CITIZENS COMMUNICATIONS, INC.**

Comes now Paul G. Summers, Attorney General and Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A) and the Tennessee Rules of Civil Procedure, and hereby propounds the following Discovery Requests to:

Citizens Communications, Inc.
c/o Guilford F. Thornton, Jr., Esq.
Stokes, Bartholomew, Evans & Petree
424 Church Street, Suite 2800
Nashville, Tennessee 37219-2386

These Interrogatories and Requests for Production are hereby served upon Citizens Communications, Inc. and Citizens Telecommunications Company of Tennessee, LLC ("Citizens" or "Company"), pursuant to Rules 26, 33 and 34 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg 1220-1-2-.11. The Consumer Advocate requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Joe Shirley, on or before May 10, 2004.

PRELIMINARY MATTERS AND DEFINITIONS

Each Discovery Request calls for all knowledge, information and material available to Citizens, as a party, whether it be Citizens', in particular, or knowledge, information or material possessed or available to Citizens' attorney or other representative.

These Discovery Requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by Citizens which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Consumer Advocate requests that Citizens supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

These Discovery Requests are to be interpreted broadly to fulfill the benefit of full discovery. To assist Citizens in providing full and complete discovery, the Consumer Advocate provides the following definitional guidelines for purposes of responding to these Interrogatories and Requests for Production.

The term "communication" as used herein, means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

The term "document" as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not

limited to any writing, drawing, graph, chart, form, photograph, tape recording, computer disk or record, or other data compilation in any form without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If any such document or thing was, but no longer is, in your possession or control, state what disposition was made of it and when. If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

The term “you” and “your” shall mean and include: Citizens Communications, Inc. and Citizens Telecommunications Company of Tennessee, LLC and all employees, agents and representatives thereof.

The term “person” or “persons” as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served, all responses must include the company’s response. Moreover, the company’s designated person for responding must assure that the company provides complete answers *A complete answer must provide a response which includes all matters known or reasonably available to the company.*

The term “identity” and “identify” as used herein, with respect to any person, means to

provide their name, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms that mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms that mean to provide the date of the document, the nature of the document, and the title (if any) of the document.

The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

If you produce documents in response to these Interrogatories, produce the original of each document or, in the alternative, identify the location of the original document. If the “original” document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the Interrogatories or Requests for Production is not answered on the basis of privilege or immunity, include in your response to each such Interrogatory or Request for Production a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and
- (d) a brief description of the communication sufficient to allow the Tennessee

Regulatory Authority (“TRA”) to rule on a motion to compel.

If, for any reason, you are unable to answer a Discovery Request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person instructing that the information be excluded.

SECOND DISCOVERY REQUESTS

INTERROGATORIES

Consistent with the preceding definitions and preliminary matters, answer under oath the following specific Interrogatories:

Interrogatory No. 1

Identify each expert witness you intend to present in this docket and, for each, state:

- a) the subject or subjects upon which the expert will testify;
- b) the basis for your assertion that the witness is qualified as an expert including, but not limited to, a current curriculum vitae;
- c) all tests, studies, measurements, experiments, or other analysis or actions performed or observed by the expert relating to the expert’s testimony;

- d) all opinions that the expert will present in this docket and the basis for each opinion; and
- e) all facts of which you or the expert are aware that support those opinions.

Response:

Interrogatory No. 2

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 15, wherein Citizens stated, "Citizens incorporates the response to the Interrogatory by BellSouth." Refer further to BellSouth's response to the Consumer Advocate's first discovery request, Interrogatory No. 15, wherein BellSouth stated, "The only *cause* of an increase or decrease in rates for intraLATA toll service in a competitive market would be market forces." Set forth and describe with specificity the market forces in the Tennessee intraLATA toll market that would cause an increase in rates for intraLATA toll services in Tennessee.

Response:

Interrogatory No. 3

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 1, wherein Citizens stated, "The Authority shall retain jurisdiction to hear complaints relating to the intraLATA toll services provided by any carrier in

Tennessee, except that such complaints shall not be heard with respect to pricing other than complaints for below-cost pricing.” If exemption is granted as sought by Citizens in this docket, identify the statutory basis for the TRA’s “jurisdiction to hear complaints” as well as the legal claims, including, but not limited to, claims for anticompetitiveness and discrimination, over which the TRA would retain jurisdiction to hear complaints relating to the intraLATA toll services provided by any carrier in Tennessee. In your response, reference those authorities (e.g., statutes, rules or orders) on which a prospective complainant, including both consumers and competing toll carriers, could base such claims.

Response:

Interrogatory No. 4

Refer to Citizens’ amended and restated response to the Consumer Advocate’s first discovery request, Interrogatory No. 2, wherein Citizens stated, “Citizens does offer certain area calling plans for sale to CLECs pursuant to the resale obligations set forth in the Act.” Identify the “certain area calling plans” that Citizens offers for resale pursuant to the federal Telecommunications Act of 1996, and for each of the “certain area calling plans” identified, provide the volume of resale provisioned by the Company in Tennessee pursuant to existing federal resale obligations. Provide a reference to the section number of Citizens’ tariff for each of the “certain area calling plans” identified in your response.

Response:

Interrogatory No. 5

If exemption is granted as sought by Citizens in this docket, state for each of the “certain area calling plans” identified in response to Interrogatory No. 4, herein, whether Citizens would continue to make these same retail services available for resale at the wholesale discount rate established by the TRA.

Response:

Interrogatory No. 6

Refer to Citizens’ amended and restated response to the Consumer Advocate’s first discovery request, Interrogatory No. 2, wherein Citizens stated, “With respect to changes related to tariffing, like our IXC competitors, Citizens would submit a price list establishing the price or price band-range at which it will offer intraLATA toll services. Citizens will withdraw all those tariffs currently on file with the Authority which involve intraLATA toll services and file revised tariffs providing rates for Citizens intraLATA toll service offerings.” If Citizens is permitted to withdraw its current tariffs and submit revised tariffs or price lists establishing a price band-range at which it will offer intraLATA toll services, would Citizens offer the intraLATA toll services for resale at the wholesale discount off the lowest price contained in the price band-range? If not, explain in detail how Citizens would determine the wholesale price of resold services for those intraLATA toll services where Citizens is permitted to submit a revised tariff or price list establishing a price band-range.

Response:

Interrogatory No. 7

Refer to Citizens' amended and restated response to the Consumer Advocate's first discovery request, Interrogatory No. 2, wherein Citizens stated, "As a general matter, Citizens' offering of intraLATA toll services would substantially mirror the practices used by interexchange carriers in Tennessee if exemption is granted as sought by BellSouth and Citizens in this docket." Set forth and describe with specificity how Citizens' offering of intraLATA toll services would substantially mirror the practices used by interexchange carriers in Tennessee if exemption is granted as sought by BellSouth and Citizens in this docket.

Response:

Interrogatory No. 8

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market shares of respective wireline carriers.

Response:

Interrogatory No. 9

With respect to the market for interLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market shares of respective wireline carriers.

Response:

Interrogatory No. 10

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market share of Citizens.

Response:

Interrogatory No. 11

With respect to the market for interLATA toll service provided by wireline carriers in Tennessee, provide any information that you have regarding the relative market share of Citizens.

Response:

Interrogatory No. 12

With respect to the market for intraLATA toll service provided by wireline carriers in Tennessee, state whether or not Citizens is the toll carrier for more than half of the wireline intraLATA toll service traffic in the geographic regions served by Citizens.

Response:

Interrogatory No. 13

With respect to the market for interLATA toll service provided by wireline carriers in Tennessee, state whether or not Citizens is the toll carrier for more than half of the wireline

interLATA toll service traffic in the geographic regions served by Citizens.

Response:

Interrogatory No. 14

Identify each person who may have discoverable factual information relative to the subject matter of the intraLATA toll phase of this docket.

Response:

REQUESTS FOR PRODUCTION

Consistent with the preceding definitions and preliminary matters, produce the following communications and documents:

Request for Production No. 1

Identify and produce a copy of all communications and documents that specifically discuss or reference the issue of whether existing and potential competition is an effective regulator of the price of intraLATA toll service in Tennessee.

Response:

Request for Production No. 2

Identify and produce a copy of all communications and documents pertaining or referring to the cost or estimated cost of the following services:

- a. Two-Point Service (General Customer Services Tariff S13.3)

- b. Wide Area Telecommunications Service (General Customer Services Tariff S14)
- c. Each "certain area calling plan" identified in response to Interrogatory No. 4, herein.

Request for Production No. 3

Identify and produce a copy of any and all communications and documents reviewed to prepare your responses to these Interrogatories and Requests for Production.

Response:

OATH

STATE OF _____

COUNTY OF _____

I, _____, on behalf of Citizens Communications, Inc., being first duly sworn according to law, make oath that the preceding answers and responses to the Interrogatories submitted by the Consumer Advocate and Protection Division of the Office of the Attorney General are true, accurate and correct to the best of my knowledge, information and belief.

CITIZENS COMMUNICATIONS, INC.

By: _____

Its: _____

Sworn to and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

RESPECTFULLY SUBMITTED,

PAUL G. SUMMERS, B.P.R. #6285
Attorney General
State of Tennessee



JOE SHIRLEY, B.P.R. #022287
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-2590

Dated: May 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via facsimile or first-class U.S. Mail, postage prepaid, on May 3, 2004, upon:

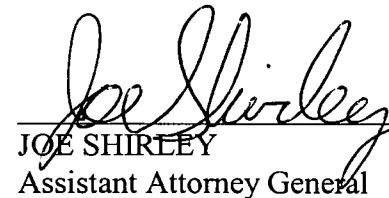
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JOE SHIRLEY
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